The Fish and Wildlife Conservation Commission, pursuant to the requirements of section 120.74(1), Florida Statutes, hereby publishes its Regulatory Plan, due October 1, 2018.

**List of Laws Enacted or Amended During the Previous 12 Months which Create or Modify the Duties or Authority of the Fish and Wildlife Conservation Commission**

In compliance with paragraph 120.74(1)(a), F.S., below is a list of laws enacted or amended during the 12 months prior to October 1, 2018, which create or modify the statutory duties or authority of the Fish and Wildlife Conservation Commission.

**Airboat Regulation:** Chapter 2018-137, Laws of Florida, created Subsection 327.391(5), Florida Statutes, requiring that, beginning July 1, 2019, a person may not operate an airboat to carry one or more passengers for hire on waters of the state without having the following onboard: a photographic identification card; proof of completion of a boater education course complying with Section 327.295(1)(a), Florida Statutes, or a United States Coast Guard captain’s license; and a certificate of successful course completion in CPR and first aid. The act provides that violations are a second-degree misdemeanor, punishable up to 60 days of imprisonment or a $500 fine. The act requires the Commission to adopt rules to implement this subsection no later than October 1, 2018.

**Vessel Safety Inspection Decals:** Chapter 2018-027, Laws of Florida, amended Subparagraph 327.70(2)(a)1., Florida Statutes, to authorize the Commission to designate the following by rule: the timeframe for expiration of, and the specific design for, the safety inspection decal, provided however that the decal may not be valid for less than one calendar year or more than 5 years, and at a minimum, must meet the standards specified in the subparagraph. The act authorizes the Commission to adopt rules to implement this subsection.

**List of Commission Rules the Fish and Wildlife Conservation Commission Commissioners Will Consider for Adoption Before July 1, 2019**

In compliance with section 120.74(1)(b), Florida Statutes, the following is a list of rules the Fish and Wildlife Conservation Commission will consider for adoption before July 1, 2019. For each rule listed below, a statement of whether the rulemaking is intended to simply, clarify, increase efficiency, improve coordination with other agencies, reduce regulatory costs, or delete obsolete, unnecessary, or redundant rules is provided.
Law Enforcement

1. Rule 68D-35.001 (Airboat Operator Course), Florida Administrative Code – In furtherance the implementation of Chapter 2018-137, Laws of Florida, the Commission approved publication on June 26, 2018 of a Notice of Proposed Rule in the Florida Administrative Register Vol. 44/145, to establish the minimal acceptable standards and criteria for Commission approval of an airboat operator’s course mandated by subparagraph 327.391(5)(a)(3), Florida Statutes, which applies to any airboat operator carrying passengers for hire. This rulemaking activity will be completed during the 2018-2019 Fiscal Year. Notice of Proposed Rulemaking was filed on July 26, 2018. A Notice of Change was published on August 27, 2018, in the Florida Administrative Register Vol. 44/167. This rulemaking effort is intended to clarify the minimal acceptable standards and criteria for the Commission’s approval of an airboat operator’s course.

2. Rule 68D-17.001 (Vessel Safety Inspection Decal Design and Expiration), Florida Administrative Code – In furtherance of the implementation of Chapter 2018-027, Laws of Florida, staff will complete rulemaking processes initiated in the 2017-2018 Fiscal Year to establish criteria for vessel safety inspection decals issued pursuant to Section 327.70(2)(a)1., Florida Statutes, as amended by the Florida Legislature in 2018. This rulemaking effort is to clarify the timeframe for expiration of, and the specific design for, the safety inspection decal. Notice of Proposed Rule was filed with the Secretary of State on August 8, 2018. This rulemaking effort is intended to clarify the criteria for vessel safety inspection decals.

Habitat and Species Conservation

1. Rules 68C-22.008 (St. Lucie County Zones) and 68C-22.011 (Citrus, Levy and Hernando Speed Zones), Florida Administrative Code - Staff intend to propose changes to the existing manatee protection zones. Revisions may include addition of some new areas to be regulated, removal of some regulated areas and a few changes for areas already regulated. This rulemaking effort is intended to: simplify; clarify; increase efficiency; improve protection for manatees.

2. Rule 68C-22.023 (Collier County Zones), Florida Administrative Code – On January 10, 2017, staff published a Notice of Proposed Rule in the Florida Administrative Register, Vol. 43/06, a final public hearing was held on April 4, 2017.
Following publication, a request for an Administrative Hearing was received. That hearing concluded and the rule was filed for adoption effective February 19, 2018. Appeals were filed and depending upon the outcome, additional rulemaking may be conducted during the 2018-2019 Fiscal Year. This rulemaking effort is intended to clarify language for the improved protection of manatee and manatee habitat in Collier County.

3. Rule 68F-20 (Aquatic Plant Control Permits), Florida Administrative Code – On June 7, 2018, a Notice of Proposed Rule was advertised in the Florida Administrative Register, Vol. 44/153. In response to concerns raised by the Joint Administrative Procedures Committee, staff is seeking approval to publish a Notice of Change clarifying portions of the rule prior to filing the rule for adoption. A Notice of Change is scheduled for consideration by the Commission at their September 2018 meeting. Staff anticipate that the Notice will be published during the 2018-2019 Fiscal Year. This rulemaking effort was intended to increase efficiency, and delete obsolete, unnecessary, or redundant rules.

4. Rule 68A-6.007 (Possession, Transportation, Exhibition, Caging Venomous Reptiles and Reptiles of Concern), Florida Administrative Code – A request to approve the advertisement of minor amendments to the rule is scheduled for consideration at the Commission’s September 2018 meeting. It is anticipated that the advertisement will be published during the 2018-2019 Fiscal Year. This rulemaking effort is to clarify requirements for containing reptiles and protecting the public.

5. Rule 68-5, (Non-Native Species), Florida Administrative Code — A request to approve the advertisement of a notice of Rulemaking is scheduled for consideration at the Commission’s September 2018 meeting. It is anticipated that the advertisement will be published during the 2018-2019 Fiscal Year. This rulemaking effort is to simplify and clarify requirements for possessing non-native species.

6. Rule 68D-24.004 (Private Submerged Land Seagrass Protection Boating Restricted Areas), Florida Administrative Code – Staff will complete the rulemaking process initiated in the 2017-2018 Fiscal Year to provide guidelines for establishing boating restricted areas for waters above privately-owned seagrass and contiguous seagrass habitat. The Legislative intent is to provide protection from scarring due to propeller dredging, which is declared in subparagraph 327.46(1)(d), Florida Statutes. Included within these guidelines will be criteria for boating restricted area eligibility as well as the application process. Only privately owned submerged lands adjacent to Outstanding Florida Waters of aquatic preserves will be considered for eligibility. This rulemaking effort is to clarify the criteria for boating restricted areas eligibility and the application process.

Update of 2017-2018 Regulatory Plan

The Florida Fish and Wildlife Conservation Commission previously filed its List of Commission Rules
Law Enforcement

1. Rule 68D-17.001 (Vessel Safety Inspection Decal Design and Expiration), Florida Administrative Code – In furtherance of the implementation of Chapter 2018-027, Laws of Florida, staff will complete rulemaking processes initiated in the 2017-2018 Fiscal Year to establish criteria for vessel safety inspection decals issued pursuant to Section 327.702(a)1., Florida Statutes, as amended by the Florida Legislature in 2018. A Notice of Proposed Rule was published on August 8, 2018, in the Florida Administrative Register, Vol. 44/154. This rulemaking effort is to clarify the timeframe for expiration of, and the specific design for, the safety inspection decal.

2. Rules 68D-24.015 (Apalachicola Boating Restricted Areas), 68D-24.108 (Charlotte County Boating Restricted Areas), 68D-24.117 (Escambia County Boating Restricted Areas), and 68D-24.146 (Okaloosa County Boating Restricted Areas), Florida Administrative Code – Progress on these four rulemaking efforts was indefinitely delayed as a consequence of the staff demands related to the increased number of derelict vessel resulting from Hurricane Irma in September 2017.

3. Rule 68D-36.108 (Florida Boater Education Temporary Certificate Program), Florida Administrative Code – In an effort to improve customer convenience and accessibility to the temporary certificate program, the Commission authorized the publication of a Notice of Proposed Rule on April 26, 2017, in the Florida Administrative Register, Vo. 43/81. In response to concerns raised by the Joint Administrative Procedures Committee, staff published a Notice of Change July 13, 2017, Florida Administrative Register, Vol. 43/135. The Notice of Rule Adoption was filed on August 4, 2017. This rulemaking effort was to clarify the requirements for obtaining the temporary certificate through online providers.

4. Rule 68A-6.0022 (Possession of Class I, II, or III Wildlife in Captivity: Permit Requirements) Florida Administrative Code – A proposed draft rule amendment which would eliminate the experience exemption for persons with licenses issued under Section 379.3751, Florida Statutes, was published on February 8, 2018, in the Florida Administrative Register, Vol. 44/27. The rule became effective on April 5, 2018. This rulemaking effort was to delete obsolete, unnecessary or redundant rules.

5. Rules 68A-3.002(1) and (2), and 68A-3.004, Florida Administrative Code – These rules were repealed as redundant with Florida Statutes and were no longer needed. These rules dealt with the powers of wildlife officers and other assistants and the Wildlife Reserve Program. This rulemaking effort was to delete obsolete, unnecessary, or redundant rules.
6. Rule 68C-22.008 (St. Lucie County Manatee Protection Zones), Florida Administrative Code — Progress on this rulemaking effort was delayed resulting from an administrative proceeding. Staff intends to bring this rule to the Commission during the 2018-2019 Fiscal Year. This rule is intended to clarify manatee protection zones for St. Lucie County.

7. Rule 68-1.003 (Florida Fish and Wildlife Conservation Commission Grants Program), Florida Administrative Code — In an effort to update the State Wildlife Grants Program, the Commission authorized the publication of a Notice of Proposed Rule on February 8, 2018, in the Florida Administrative Register, Vol. 44/27. In response to concerns raised by the Joint Administrative Procedures Committee, staff published a Notice of Change March 23, 2018, Florida Administrative Register, Vol. 44/58. The Notice of Rule Adoption was filed on May 4, 2018. This rulemaking effort was to clarify the Implementation goals of the State Wildlife Grants Program Guidelines.

8. Rule 68A-15.061 (Specific Regulations for Wildlife Management Areas - Southwest Region), Florida Administrative Code — In an effort to regulate SCUBA diving access on Chassahowitzka Wildlife Management Area, the Commission authorized the publication of a Notice of Proposed Rule on June 20, 2018, in the Florida Administrative Register, Vol. 44/120. The Notice of Rule Adoption was filed on July 20, 2018. This rulemaking effort was to clarify allowable access to Chassahowitzka Wildlife Management Area SCUBA diving sites.

CERTIFICATION

By way of this Certification, pursuant to section 120.74(1)(d), Florida Statutes, the below signed agency head and principal legal advisor each verify that they have reviewed this regulatory plan, and that the Fish and Wildlife Conservation Commission regularly reviews all of its rules and identifies the period during which all rules have most recently been reviewed to determine if the rules remain consistent with the Fish and Wildlife Conservation Commission's rulemaking authority and the laws implemented.

Bo Rivard, Chairman
Fish and Wildlife Conservation Commission

Harold “Bud” Vielhauer, General Counsel
Fish and Wildlife Conservation Commission